

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

IN RE: Lucy M. White

Chapter 13
Case No. 10-62649

ORDER

This matter came upon the confirmation hearing on Debtors proposed Chapter 13 plan and any objections thereto and/or the trustee's Motion to Dismiss or Convert. It appearing to the court that the Debtors plan is not ready for confirmation, it is hereby **ORDERED:**

1. X The hearing on the confirmation of the Debtors proposed Chapter 13 plan and any objections thereto and the trustee's Motion to Dismiss are:

 X (a) **CONTINUED** to January 20, 2011 at 9:30 a.m.

_____ (b) **CONTINUED** to the same date and time as any hearing on the modified plan to be filed as required in paragraph 6 below.

2. X This continuance is conditioned upon the Debtors keeping their plan payments current. Failure to do so results in dismissal on the continued hearing date or automatic dismissal without further notice or hearing twenty (20) days after the trustee's certification unless the Debtors file a timely response to the certification.

3. _____ The Debtors shall have until _____ to bring plan payments current, otherwise, the case will be dismissed at the continued hearing date or will be automatically dismissed twenty (20) days after the trustee's certification that plan payments are delinquent unless the Debtors timely file a response to the certification.

4. X The hearing on confirmation, and any objections thereto, and the trustee's Motion to Dismiss/Convert are continued to January 20, 2011 at 9:30 a.m., at which time all the conditions marked with an "X" on the attached Exhibit A must have been accomplished or the Debtors shall appear at that time and show cause why the case should not be dismissed.

5. _____ Confirmation of the Debtors existing Chapter 13 plan is **DENIED**.

6. _____ The Debtors shall have until _____ to file a modified plan. Upon failure to do so, or to request an extension of time prior to the due date for the modified plan, this case shall be dismissed without further notice or hearing, unless on or before the due date for the modified plan counsel files a certification that there is no need to file a modified plan.

Should a modified plan be timely filed, counsel shall serve it in accord with existing procedures and Orders of this Court; provided however, that no service shall be required as to any class of creditors not adversely affected by the amended plan, as certified in writing by counsel for the Debtors and endorsed as agrees by the trustee, which certification shall be filed with the Clerk no later than the date by which services of the modified plan shall be made upon any creditor who has any pending objection to confirmation or a specific request for notice.

7._____ Counsel for the Debtors shall submit a wage deduction Order to the Court no later than _____ or the Debtors shall appear at the continued hearing date to show cause why no wage deduction Order should be entered.

8. X Should the trustee be prepared to recommend confirmation, he may submit a confirmation order for the entry prior to the continued hearing provided there is no pending objection by a creditor to confirmation

9._____ Other provisions: _____

Debtors counsel shall mail a copy of this order to the Chapter 13 trustee and all creditors or their counsel who have filed objections, a Motion to Dismiss or Convert, or an unresolved motion for Relief from the Automatic Stay.

Entered: December 10, 2010



U.S. Bankruptcy Court Judge

We consent:

/s/ Herbert L. Beskin
Herbert L. Beskin
Chapter 13 Trustee

/s/ Joseph S. Massie, III
Joseph S. Massie, III
Counsel for Debtor

Exhibit A

Debtor(s) Name: LUCY M. WHITE Case No.: 10-62649-WA1-13

ORDER OF CONTINUANCE EX. A **CON'T. to 1 / 20 / 11** ☐ W/ CONDITIONS ☒ W/ EXPECTATIONS
(Version #15, 12/02/08)

☒ 1. Debtor(s) are to make regular & timely plan payments & be current in *amended* plan payments as of the adjourned hearing date.

(All of the following items which are marked with an "X" are to be accomplished by the Debtor(s) or received by the Trustee at least ten (10) calendar days prior to the adjourned hearing date unless otherwise noted below or otherwise noted on Exhibit A of the Initial (or Supplemental) Trustee's Report and Objections Following Meeting of Creditors and Notice to Dismiss or Convert Case ("the Trustee's Report")

2. The following documents are to be provided to the Trustee: ☐ HUD-1
☐ 2 mos. recent paystubs from new job ☐ Amended: ☐ Sch. I ☐ Sch. J
☐ To support increases in Sch. J expenses ☐ To justify decrease in plan payments
☐ To justify decrease in base gross ☐ Federal & state tax returns for year(s): _____
☐ _____
☐ _____

☒ 3. The following amendments to the Plan are to be made: ☐ Resolve Trustee's Chap. 7 test / disposable income objection
☐ Cure default in plan payments (or #8) ☐ Make plan 100% payout to unsecured creditors
☐ Provide for secured creditor(s) [or object to claim]: _____
☐ Provide for priority creditor(s) [or object to claim]: _____
☐ Cure arrears on secured creditor(s): _____
☐ Increase plan payments: _____
☐ Provide adequate protection payments & special notice for secured creditor(s): _____
☐ Resolve: _____
☒ Change language in para. # _____ re: _____
☒ As needed to comply with Trustee's Report _____
☐ _____

☒ 4. Any amended plan is to be properly filed and noticed so that it can be heard on the adjourned hearing date.

5. The following motions are to be properly filed and noticed so that they can be heard on the adjourned hearing date:
☐ To extend/impose automatic stay ☐ For additional attorneys fees
☐ To allow direct plan payments by debtor(s) ☐ For adequate protection payments
☐ To avoid lien(s): _____
☐ To object to claim(s): _____
☐ _____
☐ _____

6. The following objections or matters are to be resolved prior to the adjourned hearing date or Counsel is to be prepared to argue them on that date, and the Trustee is to be notified as to the status of these matters at least five calendar days prior to that date:
☐ Motion(s) to lift stay ☐ Objection(s) to confirmation
☐ Trustee's disposable income objection ☐ Lien avoidance motion(s)
☐ Objection to claim(s)
☐ _____
☐ _____

☒ 7. All items set forth on Exhibit A to the Trustee's Report to be completed and received by the Trustee.

☒ 8. Other:
☐ Wage Deduction order to be entered & working (if employed) ☐ "Drop dead" order to be entered
☐ Certifications by atty. for atty. fees for motion to lift stay ☐ Pre-confirmation affidavit to be filed
☒ Amend Wage Deduction Order to match modified Plan, if need be ☐ Trustee retains Chap. 7 / disposable income objection
☐ Debtor to arrange automatic monthly payment for mortgage / vehicle ☐ Debtor(s) not eligible for discharge
☐ Trustee's motion to dismiss to be resolved by entry of order increasing plan payments over remainder of plan ☐ Update on income/employment of _____
☐ Plan must pay 100% to unsecured creditors b/c of: ☐ Chapter 7 test ☐ Disposable income test
☐ Trustee will object to any future modified plan that decreases "pot" to unsecured creditors to cure previously undisclosed default
☐ Debtor(s) to be current in plan payments, case to be converted to Chap. 7, or case to be dismissed
☐ Debtor(s) have affirmative obligation to advise Trustee immediately if income increases / he or she obtains a new job
☐ Status hearing to review: _____
☐ _____
☐ _____

Attorney: JOSEPH S. MASSIE, III, ESQ.

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